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13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,) Case No. 2:18-CV-07946-PA (AFMx)
17 Plaintiff,) **CONSENT JUDGMENT OF FORFEITURE**
18 v.)
19 \$417,235.00 IN U.S.)
20 CURRENCY,)
21 Defendant.)

22 Pursuant to the stipulation and request of Plaintiff United
23 States of America and potential claimant Mariela Gastelum-Payan
24 ("potential claimant Gastelum-Payan"), the Court hereby enters
25 this Consent Judgment of Forfeiture containing the terms set
26 forth below:

27 On or about September 13, 2018, Plaintiff United States of
28 America ("the United States of America") filed a Complaint for

1 Forfeiture alleging that the defendant \$417,235.00 In U.S.
2 Currency (the "defendant currency") is subject to forfeiture
3 pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) and 21 U.S.C.
4 § 881(a)(6).

5 No parties have appeared in this case and the time for
6 filing claims and answers has expired.

7 Potential claimant Gastelum-Payan claims an interest in the
8 defendant currency, and would have filed a claim thereto if this
9 case had not been resolved by entering into this Consent
10 Judgment of Forfeiture.

11 The government and potential claimant Gastelum-Payan have
12 now agreed to settle this action and to avoid further litigation
13 by entering into this Consent Judgment of Forfeiture.

14 The Court, having been duly advised of and having
15 considered the matter, and based upon the mutual consent of the
16 parties hereto,

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

18 1. This Court has jurisdiction over the subject matter of
19 this action and the parties to this Consent Judgment of
20 Forfeiture.

21 2. The Complaint for Forfeiture states a claim for relief
22 pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) and 21 U.S.C.
23 § 881(a)(6).

24 3. Notice of this action has been given as required by
25 law. No appearances have been made in the litigation by any
26 person. The Court deems that all potential claimants, except
27 for potential claimant Gastelum-Payan, admit the allegations of
28 the Complaint for Forfeiture to be true. Potential claimant

1 Gastelum-Payan is relieved of her obligation to file a claim and
2 answer in this litigation.

3 4. The sum of \$25,600.00 only (without interest) shall be
4 returned to potential claimant Gastelum-Payan. The United States
5 of America shall have judgment as to the interests of potential
6 claimant Gastelum-Payan and all other potential claimants in the
7 remainder of the defendant currency (i.e., \$391,635.00), plus
8 the interest earned by the United States of America on the
9 defendant currency, which funds shall be condemned and forfeited
10 to the United States of America. The United States of America
11 shall dispose of the forfeited funds in accordance with law.

12 5. The funds to be returned to potential claimant
13 Gastelum-Payan pursuant to paragraph 4 above shall be paid to
14 potential claimant Gastelum-Payan by electronic transfer
15 directly into the client trust account of potential claimant
16 Gastelum-Payan's attorney of record in this case. Potential
17 claimant Gastelum-Payan (through potential claimant Gastelum-
18 Payan's attorney of record) shall provide to the United States
19 of America the information necessary for the United States of
20 America to complete the transfer including, without limitation,
21 providing potential claimant Gastelum-Payan's social security
22 and taxpayer identification numbers (if any), potential claimant
23 Gastelum-Payan's attorney of record's taxpayer identification
24 number, and the identity of the bank, the bank's address and the
25 account name, account number, account type and wire transfer
26 routing number for the client trust account to which the
27 transfer of funds is to be made.

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1 6. Potential claimant Gastelum-Payan hereby releases the
2 United States of America, its agencies, agents, officers,
3 employees and representatives, including, without limitation,
4 all agents, officers, employees and representatives of the
5 United States Customs and Border Protection, the United States
6 Immigration and Customs Enforcement or the Department of
7 Homeland Security and their respective agencies, as well as all
8 agents, officers, employees and representatives of any state or
9 local governmental or law enforcement agency involved in the
10 investigation or prosecution of this matter, from any and all
11 claims (including, without limitation any petitions for
12 remission, which potential claimant Gastelum-Payan hereby
13 withdraws), actions or liabilities arising out of or related to
14 this action, including, without limitation, any claim for
15 attorney fees, costs and interest, which may be asserted by or
16 on behalf of potential claimant Gastelum-Payan, whether pursuant
17 to 28 U.S.C. § 2465 or otherwise.

18 7. The Court finds that there was reasonable cause for
19 the seizure of the defendant currency and institution of these
20 proceedings. This judgment shall be construed as a certificate
21 of reasonable cause pursuant to 28 U.S.C. § 2465.

22 8. The Court further finds that potential claimant
23 Gastelum-Payan did not substantially prevail in this action, and
24 the parties hereto shall bear their own attorney fees and costs.

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1 9. The United States of America and potential claimant
2 Gastelum-Payan consent to this judgment and waive any right to
3 appeal.

4 Dated: December 17, 2018



THE HONORABLE PERCY ANDERSON
UNITED STATES DISTRICT JUDGE

7 Presented By:

8 NICOLA T. HANNA
9 United States Attorney
10 LAWRENCE S. MIDDLETON
11 Assistant United States Attorney
12 Chief, Criminal Division
13 STEVEN R. WELK
14 Assistant United States Attorney
15 Chief, Asset Forfeiture Section

16 /s/ Victor A. Rodgers
17 VICTOR A. RODGERS
18 Assistant United States Attorney

19 Attorneys for Plaintiff
20 UNITED STATES OF AMERICA
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